

REMARKS

Reconsideration of this application in view of the above amendments and following remarks is respectfully requested. Claims 1, 5, 6, 8-10, 12-16, 19, 20, 45, 47, 48 and 50-58 are now pending. Claims 2-4, 7, 11, 17, 18, 21-44, 46 and 49 have been canceled. Claims 1, 5, 6, 8, 9, 12-14, 16, 45, 47 and 48 have been amended. Claims 50-58 are new.

Allowable Subject Matter

Claims 11-16 stand objected to as being dependent upon a rejected claim, but would be allowable if rewritten in independent form. To this end, Applicants have amended claim 1 by incorporating the requirement that the second sensitizing fluid be applied transversely to the direction of the first sensitizing fluid (*i.e.*, the limitation of claim 11). In addition, and consistent with the “transverse” language, Applicants have amended claim 1 to recite formation of an “overlapping sensitized sensing area.” By way of these amendments, Applicants submit that claim 1 is now in condition for allowance.

In addition, Applicants have also amended or canceled a number of dependent claims, such that dependent claims 5, 6, 8-10, 12-16, 19, 20, 45, 47 and 48 are now pending. Since each of these dependent claims depends directly or indirectly from claim 1 (and thus contains all the limitations thereof), they are patentable for the same reasons as applied to claim 1.

Applicants have also added new independent claim 50, which parallels allowable claim 1, but which recites “a method of sensitizing a sensing surface arranged to be passed by a liquid flow within a flow cell” (as opposed to “a method for analyzing a fluid sample for at least one analyte” as recited in claim 1). This claim similarly recites that “transverse” limitation, and the generation of “an overlapping sensitized sensing area” as in claim 1, but is directed to a method for “sensitizing” the sensor surface. Applicants submit that this alternative method constitutes patentable subject matter for the same reasons as applied to claim 1. Applicants have also added new claims 51-58, all of which depend directly or indirectly from claim 50. Support for these new claims may be found throughout the specification, and they do not constitute addition of new matter.

Accordingly, Applicants respectfully request that claims 1, 5, 6, 8-10, 12-16, 19, 20, 45, 47, 48 and 50-58 be passed to allowance.

Remaining Rejections

By the above amendments, both the double patenting and the lack of novelty rejections are rendered moot. Applicants do, however, reserve the right to continue prosecution of the rejected subject matter in one or more related applications, and the cancellation of the same is not meant as an acquiescence to these grounds of rejection.

A good faith effort has been made to place this application in condition for allowance. However, should any further issue require attention prior to allowance, the Examiner is requested to contact the undersigned at (206) 622-4900 to resolve the same.

Respectfully submitted,

SEED Intellectual Property Law Group PLLC



Karl R. Hermanns
Registration No. 33,507

KRH:lhk

701 Fifth Avenue, Suite 6300
Seattle, Washington 98104-7092
Phone: (206) 622-4900
Fax: (206) 682-6031

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